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Honorable Sam J. Ervin, Jr., Chairman  
Subcommittee on Constitutional Rights  
Committee on the Judiciary  
United States Senate  
Washington, D. C. 20510

Dear Mr. Chairman:

We wish to submit our views on a bill you introduced on 2 May 1973, S.1688, "To protect the civilian employees of the executive branch of the U.S. Government in the enjoyment of their constitutional rights and to prevent unwarranted governmental invasions of their privacy."

This Agency is deeply committed to enhancing the morale, discipline and professionalism of Agency employees and to the extent that these qualities are dependent upon a proper regard for individual privacy, we are in agreement with the underlying principle of the bill. However, certain of its provisions could seriously impair our capability to protect intelligence sources and methods from unauthorized disclosure.

In this connection, the National Security Act of 1947, as amended, provides:

"... That the Director of Central Intelligence shall be responsible for protecting intelligence sources and methods from unauthorized disclosure;..." (50 U.S.C. 403(d)(3)).

In addition, the Central Intelligence Agency Act of 1949 provides:

"In the interests of the security of the foreign intelligence activities of the United States and in order further to implement the proviso of section 403(d)(3) of this title that the Director of Central Intelligence shall be responsible for protecting intelligence sources and methods from unauthorized disclosure, the Agency shall be exempted from the provisions of section 654 of Title 5, and the provisions of any other law which require the publication, or disclosure of the organization, functions, names, official titles, salaries, or numbers of personnel employed by the Agency...." (50 U. S. C. 403g).

S. 1688 specifically authorizes adversary procedures which pose a serious paradox--the Agency must either remain silent in the face of unfounded allegations (with the alleged offending officer taking the consequences of the sanctions embodied in the bill), or it must divulge information which it is obligated by statute to protect, and disclosure of which might damage the national intelligence effort.

Enactment of the bill in its present form would be a most serious obstacle to the effective protection of intelligence sources and methods. The bill would seriously weaken the Agency's efforts to prevent penetration by a hostile intelligence service, to ensure that its employees are suitable in all respects for employment in this sensitive Agency, and in general make it much more difficult for the Director of Central Intelligence to discharge his responsibilities under existing law.

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We wanted to let you know of our concern and to request that the [redacted] Agency be exempted from the bill. [redacted] We are at your disposal to discuss [redacted] this further if you wish.

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